HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16640 of 2007

Date: 03.08.2007

Between :

Sunkavalli Sai Prasanna and another.

…..Petitioners

And

Andhra Pradesh Southern Power Distribution Company Limited,
Vijayawada, rep. by its Superintending Engineer &others.

…..Respondents.

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ORDER :

The petitioners obtained power supply connections to the borewells dug in Revisional Survey No.1 of Bailve Village of Krishna District. The power supply was disconnected by the 2nd respondent on 09.07.2007, allegedly, on the instructions issued from the 1st respondent to the effect that the petitioners encroached into the forest land. The petitioners challenge the action of the respondents.

Heard learned counsel for the petitioners and learned Standing Counsel for respondents 1 and 2.

It is not in dispute that the petitioners were extended power supply through Service Connection Nos.970 and 973, after entering into an agreement with the 1st respondent, and after being satisfied with their eligibility. It is stated that in the recent past, the District Collector appointed a Committee comprising of experts and during the course of verification, it emerged that the petitioners and several others encroached into vast extents of

reserve forest. Obviously, with a view to remove encroachments from the forest land, the authorities of the Revenue and Forest Departments have persuaded the respondents, to disconnect the power supply.

Even assuming that the petitioners encroached into the forest land, the respondents cannot straightaway disconnect the power supply. Clause 17.2 of General Terms and Conditions of Supply mandates that whenever the respondents intend to disconnect power supply, on the ground that necessary permission was not obtained by the consumer, a show cause notice is to be issued. Admittedly, such a notice was not issued in the present case.

On this short ground, the writ petition is allowed and the respondents are directed to restore power supply to the petitioners. It is, however, open to them to proceed in the matter after complying with the requirements under Clause 17.2 of General Terms and Conditions of Supply. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

03.08.2007

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